



DIVISION OF PUBLIC HEALTH

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DATE: April 10, 2001

TO: Regional Directors
Local Agent Health Departments
Attn: Environmental Sanitation Sanitarians

FROM: Gregory A. Pallaske, M.S., R.S., Chief
Environmental Sanitation Section
Bureau of Environmental Health

SUBJECT: Fee Increase

As many of you know, we have been scrambling to get the new fee structure done so we could get it before the legislature in time for initiation this year. We have now decided this is a less than optimal idea, for a number of reasons:

1. No matter what, we would have needed to use an emergency rule to get this into effect. This carries a great deal of political baggage with it, and should be avoided when possible.
2. I managed to get all the language re-written by last Friday (the deadline), but still hadn't had time to "run the numbers"- i.e., I was proposing changed fees without knowing what that would do to us fiscally. I really don't ever want to do that.
3. In response to industry comments, we wanted the 5 major associations to review the new figures before we sent them out. There was no time to get this done.
4. So many people were uncomfortable with the risk schedule, that we thought we should carefully rework it. We ARE NOT abandoning the idea of basing fees on risk, but trying to achieve the fairest methodology.
5. By delaying, we will also be able to build a risk assessment tool into the ESS, and the sanitarians can spend the next year gathering data as they go.
6. We have also come to realize that we need at least a two-tiered fee structure to separate pools from water parks. Unfortunately, defining one from the other is more difficult than it seems.
7. Many of our agents have to change their fees to match ours. A number of the agents have expressed their concern, feeling they did not have enough time to do this properly.

So, based on all of this, we are going to continue to push through the fee increase this summer, but the new fees will not take effect until July 1, 2002.

If any of you would like to help with the separation of pools from water parks, or know of a risk assessment model you feel is viable, please let me know.

We will also be sending out a hard copy of this letter to each of you.

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From: Gregory Pallaske
To: Agents; ETO's; RODs; Sieger, Thomas; Statewide Sans
Date: 4/11/01 8:46AM
Subject: Risk Assessment Meeting

Hi folks,

As you are all by now aware, we have delayed the fee increase until July 1, 2002. However, we need to continue moving the legislation forward.

There has been a lot of controversy over the concept of using risk assessment as a fee mechanism for restaurants and taverns. We are asking for participation so that we can get as much consensus as possible.

I recognize that some of you disagree with the idea of even using risk assessments for fees. However, many of the interested parties, including the Tavern League and the Restaurant Association, feel that this is the most fair and equitable way to go. So, we have decided to continue to pursue this course.

The issues then are twofold:

1. What risk assessment model do we use?
2. How do we implement it?

I would like to have a one day meeting next Tuesday, April 17th, in the Dells area to get this settled once and for all, so we can move on. I recognize that is not much notice, but I hesitate to move it out any longer because I know we're getting into the real busy time for field staff.

I would very much like to see at least one person from each region if possible. I would also appreciate input from a few agent folks. We will also be inviting some industry representatives.

By this Friday, I will send an outline of the models we are proposing. If any of you know of a workable risk assessment tool, please send it to me for inclusion.

If you can't make it, respond to the "models" email with comments on which model you favor, and why.

Our intent is to solve this issue in one day- not to have an ongoing series of meetings. With all the experience and intelligence out there, I think we can accomplish that.

We'll probably meet from 10 until about 4. Location TBA.

Looking forward to your feedback! Please let me know if you can attend.

Greg

Gregory A. Pallaske
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Environmental Sanitation Section
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From: Gregory Pallaske
To: Rabotski, Edward; St. Jules, David; Temple, Elizabeth
Date: 4/16/01 10:46AM
Subject: "Agenda" for risk assessment meeting

Thank you all for expressing your opinions regarding risk-based fees. Attached is the outline we will be following tomorrow.

I recognize that we are not all in agreement, but I am firmly convinced that risk based fee assessments are the best path to travel. I know some of you feel I haven't been communicating enough with you on this issue. At some point, I guess we'll have to agree to disagree. At any rate, even if I haven't responded to your emails to your satisfaction, please recognize that I AM reading and listening to your thoughts, and considering your points of view. You all have experience, brains, and talent, and I am trying to learn how to best utilize each of you for the good of our team.

Thanks again for your help.

A PLAN TO STRENGTHEN ENVIRONMENTAL HEALTH IN WISCONSIN



June 2001

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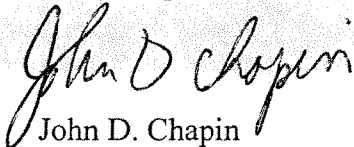
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FORWARD

A Plan to Strengthen Environmental Health in Wisconsin represents a significant effort by staff from across our Division to improve an important dimension of our responsibilities – environmental health. The planning efforts focused largely on environmental sanitation – that part of our responsibilities that we share with our partners in local public health departments that assures food and facility safety throughout Wisconsin. While we recognize that environmental health has many dimensions beyond environmental sanitation, new and emerging disease threats associated with food safety makes this an important program area to begin our improvement efforts.

This planning document contains many important recommendations to improve the way we as a Division license and inspect facilities, train our staff and the industry workforce, and evaluate our partners in local public health departments. Our present and immediate commitment must be to manage heavy facility inspection workloads in the most efficient and effective manner possible. The future, however, will require innovation in funding and staff development as we begin to focus our resources on leadership and support of the growing environmental health capacity at the local level. This dimension of the plan – while it can not be implemented overnight – has the potential to make a significant contribution to environmental health overall within Wisconsin for many years to come.

On behalf of the Division of Public Health, I thank the planning participants for their very hard and thoughtful work. I offer my full support and commitment to working along with you to implement these important recommendations.



John D. Chapin
Administrator
Division of Public Health
Department of Health and Family Services
June 2001

Executive Summary

The Department of Health and Family Services, Division of Public Health, is one of several state agencies with statutorily defined responsibilities in environmental health – that portion of the broader public health mission dealing with the prevention of disease which can be associated with environmental conditions. In the spring of 1999, a planning team of Division of Public Health (DPH) staff met to prepare a plan to strengthen DPH environmental health programs.

The planning team initially focused on improving the statewide environmental sanitation program (i.e. the regulation and licensing of restaurants, lodging and recreational facilities). This was driven by several factors including: changing workloads due to new agent programs in local health departments, a concomitant decrease in licensing revenue to support the program, and a growing need for environmental health assistance to support the environmental health programs in local health departments.

It soon became obvious that planning efforts could not be isolated to the sanitation program. The increasingly complex responsibilities associated with environmental health will require the Department, other state agencies and their partners in local health departments to work toward comprehensive, coordinated environmental health services. This report contains initial recommendations and strategies which can begin to move the Department and Wisconsin in this direction. Some strategies for improvement include:

1. Apply new technologies such as the new Environmental Sanitation Data System for better targeting of high risk facilities, improved inspection processes, and more efficient, cost effective support processes in the sanitation program.
2. As position vacancies occur, examine position classifications in the Central Office to strengthen the role of policy development and program leadership. Similarly, as facility workload allows and as position vacancies occur in regional offices, create an environmental health specialist who can begin to assume responsibility for training and evaluation of environmental health programs within local health departments.
3. Facility regulation and licensing workload continues to be overwhelming, therefore there is a need to fully fund environmental health staff through a combination of modifications to the fee structure and fee increases. As licensing revenue declines due to new agent health departments, seek alternative funding sources for the regional environmental health staff.
4. Collaborate with state agencies to coordinate agent agreements with local health departments to promote comprehensive and strong environmental health services at the local level.
5. Take a leadership role in training and developing the environmental health workforce to position them for effective practice in the 21st century.

**Division of Public Health
Environmental Health Planning Workgroup Members**

Co-Chairpersons:

Tom Sieger, Director
Bureau of Environmental Health
Division of Public Health
and
Larry Gilbertson, Director
Eau Claire/Western Regional Office
Division of Public Health

Members

Kenneth Baldwin, Deputy Administrator
Administrator's Office
Division of Public Health

Steve Bell, Public Health Sanitarian
Green Bay/Northeastern Regional Office
Division of Public Health

Kay Bender, Budget Analyst
Office of Operations
Division of Public Health

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Environmental Sanitation Section
Division of Public Health

Elizabeth Temple, Eval. & Training Officer
Environmental Sanitation Section
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Terri Timmers, Director
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Division of Public Health

Mark Wallen, Public Health Sanitarian
Rhineland/Northern Regional Office
Division of Public Health

Ken Walz, Public Health Sanitarian
Milwaukee/Southeastern Regional Office
Division of Public Health

"Environmental health activities are frequently disjointed from state and local public health agencies, resulting in disjointed policy development, fragmented service delivery, lack of accountability and a generally weakened public health effort. The removal of environmental authority from public health agencies has led to fragmented responsibility, lack of coordination and inadequate attention to the health dimensions of environmental problems.

The committee recommends that state and local public health agencies strengthen their capacities for identification, understanding and control of environmental problems as health hazards. The agencies cannot simply be advocates for the health aspects of environmental issues, but have direct operational involvement."

The Future of Public Health
The Institute of Medicine, 1988

PART I

INTRODUCTION

Environmental health protects human health through assessment, management, control and prevention of environmental factors which may adversely affect the health, comfort, safety and well being of populations. A number of recent nationwide surveys have reaffirmed the public's interest in maintaining and improving environmental quality – especially drinking water quality, air quality, a safe food supply, and proper hazardous waste disposal. Wisconsin is committed to promoting strong environmental health policy and practices. Wisconsin's robust tourist economy relies heavily on clean and safe recreation, lodging and dining opportunities. Agricultural and manufacturing sectors demand clean and plentiful water supplies. All facets of the state's economy require a clean and safe environment.

Wisconsin's public health system has a unique and important role in protecting and promoting environmental health. However Wisconsin, like 44 other states has dispersed responsibilities for environmental health among many different state agencies. Also, each of the state agencies has unique working relationships with local health departments. This has resulted in a patchwork of uneven program administration and delivery of environmental health services statewide.

In June of 1999, the Division of Public Health initiated a planning effort to strengthen and improve its environmental health programs. The potential for budget deficits in the Environmental Sanitation Section (restaurant, lodging and recreational facility licensing program) was the precipitating factor for this planning process. This program is an important part of the Division's environmental health responsibilities. Moreover, the Environmental Sanitation agent contract is often times the keystone around which local health department's initiate local environmental health programs. The basic issues addressed by the planning team included:

- a. How can we improve the regulation and licensing program to take maximum advantage of new technologies and improve the safety of restaurant, lodging and recreational facilities?

- b. What is the licensing fee structure that is necessary to support this program, and how can we anticipate and plan for new agent programs in the future?
- c. At the state level, what are the roles and responsibilities of environmental health staff within the central and regional offices? Could environmental health specialists in the DPH regional offices better support the environmental health work of local health departments?
- d. If the decision is made to support regional environmental health staff, are there additional sources of funding that could be pursued to support them?

As the planning process progressed, the committee became aware of the opportunity to strengthen the larger environmental effort within the state. The way in which environmental health programs are organized and funded at the state level impacts local health departments. Subsequently, a dialogue was initiated with representatives from local agencies to discuss the following questions:

- a. Given the patchwork of environmental health programs across Wisconsin, how do we move to strengthen and fund environmental health programs in our local health departments?
- b. How should DPH programs be structured to compliment and support efforts at the local level?
- c. Is there a way to integrate agent programs from all state agencies to create an incentive for a county to assume agent status, while reducing the administrative burden of requirements from multiple agencies?
- d. Given the important assessment, assurance and policy development functions of our local agencies, how do we want environmental health within the Division of Public Health to look in the year 2005?
- e. Are there opportunities to partner with the Turning Point Plan, as well as other statewide initiatives?

PART II

CURRENT STATUS

A. State Level – Wisconsin Division of Public Health/DHFS

The State of Wisconsin maintains a comprehensive, although largely categorically funded, Bureau of Environmental Health within the DPH that provides policy development, assessment, and assurance functions for the public health program. (Figures 1 and 2). The Bureau is organized into 4 sections.

- The Environmental Sanitation Section encompasses the Restaurant, Lodging and Recreational Facility Regulation and Licensing Program, which was largely the subject of this planning effort, as well as the Milk Certification Program.
- The Childhood Lead Program, Superfund Hazardous Waste Site Program and Indoor Air Quality Program are in the Health Hazard Evaluation Section.
- The Epidemiology and Toxicology Section contains general epidemiology and toxicology support, hazardous materials event surveillance, as well as the Sports Fish Consumption Program.

- Make announced inspections, in certain circumstances, to reduce the need for a second trip (facility closed, past business hours, etc.) and maximize the interaction with the person-in-charge.
5. **Revise the restaurant, lodging and recreational facility license fee schedule to ensure equity across facilities and to fully fund the activities of the program.**
- Examine a variable fee structure based upon self-reported facility receipts.
 - Explore a revision to chapter 254 Wi. Stats. to allow a re-inspection fee, a penalty for operating without a license and pre-inspection fees for campgrounds, rec/ed camps and swimming pools.
 - Revise the license requirements for temporary restaurants to better reflect the amount of inspection time devoted to these facilities.
 - Meet with industry representatives to discuss revisions to the fee schedule and to develop a biennial budget proposal for state fiscal years 2002/2003.
6. **Secure funding sources to offset the loss of agent revenue to maintain environmental health staff resources in each of the regional offices.**
- Continue the dialogue with CDC on funding opportunities for regional staff.
 - Explore increased Medicaid reimbursement for childhood lead services.
 - Use HUD dollars to support staff training and development in the area of childhood lead poisoning prevention.
 - Pursue revenue associated with the distribution of the ESS as a potential funding source to offset the need for license fee increases.
 - Prepare a biennial budget proposal to bring the regulation and licensing of tanning facilities into the mix of environmental sanitation facilities.
7. **Strengthen environmental health programs in local health departments.**
- Assist the local health departments in the environmental health community needs assessment process by compiling data and creating data links on the Health Alert Network.
 - Maintain, and if possible augment funds, for the formation of environmental consortia. Seek a source of start-up funds for local health departments interested in agent status.
 - Work with the Wisconsin Environmental Health Association, the University and Technical College System and others as necessary to develop a plan for the continuing education of Wisconsin's environmental health professionals.
 - Work toward consistent and coherent agent programs among the DHFS, DNR, DATCP and Department of Commerce. These could include:
 - The DHFS restaurant/lodging/recreational facility program
 - The DATCP retail food program
 - DNR well delegation program
 - DNR non-municipal water supply program
 - DNR NESHAPS/asbestos inspection program
 - DNR open burning investigations
 - Department of Commerce on-site wastewater disposal

2. A grandparent, parent, sibling, child, stepchild or grandchild.

3. The spouse of a person under subd. 2.

(b) Except as provided in pars. (c) and (d), no permit is transferable from one premises to another or from one person to another.

(c) A permit for a temporary restaurant may be transferred to a premises other than that for which it was issued if, prior to operation of the temporary restaurant at the new premises, approval of the new premises is secured from a department representative or, if the new premises is located in the jurisdictional area of a local health department that has been granted agent status for the premises under s. 254.69 (2), from the local health department.

(d) The holder of a permit issued under this section may transfer the permit to an individual who is an immediate family member if the holder is transferring operation of the establishment or vending machine to the immediate family member.

(5) All permits expire on June 30, except that permits initially issued during the period beginning on April 1 and ending on June 30 expire on June 30 of the following year.

History: 1975 c. 413 ss. 13, 18; Stats. 1975 s. 50.51; 1983 a. 163, 203; 1987 a. 27, 81, 399; 1989 a. 31; 1993 a. 16 ss. 1491, 1492; 1993 a. 27 s. 67; Stats. 1993 s. 254.64; 1993 a. 183, 491; 1997 a. 191.

254.65 Preinspection. (1) The department or a local health department granted agent status under s. 254.69 (2) may not grant a permit to a person intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary without a preinspection. This section does not apply to a temporary restaurant or when a permit is transferred under s. 254.64 (4) (d).

(2) Agents designated by the department under s. 254.69 (1) shall make preinspections of vending machine commissaries as required under this subsection and shall be reimbursed for those services at the rate of 80% of the preinspection fee designated in this subsection. Agents designated by the department under s. 254.69 (2) shall make preinspections of hotels, restaurants and tourist rooming houses and establish and collect preinspection fees under s. 254.69 (2) (d).

History: 1983 a. 203 ss. 10, 16, 19; 1983 a. 538; 1987 a. 27, 81; 1993 a. 27 s. 68; Stats. 1993 s. 254.65.

254.66 Average annual surveys. The department or a local health department granted agent status under s. 254.69 (2) shall annually make a number of inspections of restaurants in this state that shall equal the number of restaurants for which annual permits are issued under s. 254.64 (1) (a).

History: 1987 a. 27; 1993 a. 27 s. 69; Stats. 1993 s. 254.66.

254.67 Vending machine commissary outside the state. Foods, beverages and ingredients from commissaries outside the state may be sold within the state if such commissaries conform to the provisions of the food establishment sanitation rules of this state or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the department may accept reports from the responsible authority in the jurisdiction where the commissaries are located.

History: 1975 c. 413 s. 13; Stats. 1975 s. 50.52; 1993 a. 27 s. 70; Stats. 1993 s. 254.67.

254.68 Fees. Except as provided in s. 254.69 (2) (d) and (e), the department shall promulgate rules that establish, for permits issued under s. 254.64, permit fees, preinspection fees and late fees for untimely permit renewal.

History: 1973 c. 333; 1975 c. 224; 1975 c. 413 s. 13; Stats. 1975 s. 50.53; 1977 c. 222; 1979 c. 34; 1981 c. 20; 1983 a. 27, 163, 203, 538; 1985 a. 135; 1987 a. 27, 399; 1991 a. 178; 1993 a. 16 s. 1493; 1993 a. 27 s. 71; Stats. 1993 s. 254.68; 1993 a. 183.

254.69 Agent status for local health departments.

(1) **VENDING OPERATIONS.** In the administration and enforcement

of this subchapter, the department may use local health departments as its agents in making inspections and investigations of vending machine commissaries, vending machine operators and vending machines if the jurisdictional area of the local health department has a population greater than 5,000. If the designation is made and the services are furnished, the department shall reimburse the local health department furnishing the service at the rate of 80% of the net license fee per license per year issued in the jurisdictional area.

(2) **HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES AND OTHER ESTABLISHMENTS.** (am) In the administration of this subchapter or s. 254.47, the department may enter into a written agreement with a local health department with a jurisdictional area that has a population greater than 5,000, which designates the local health department as the department's agent in issuing permits to and making investigations or inspections of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools. In a jurisdictional area of a local health department without agent status, the department of health and family services may issue permits, collect permit fees established by rule under s. 254.68 and make investigations or inspections of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps and public swimming pools. If the department designates a local health department as its agent, the department or local health department may require no permit for the same operations other than the permit issued by the local health department under this subsection. The department shall coordinate the designation of agents under this subsection with the department of agriculture, trade and consumer protection to ensure that, to the extent feasible, the same local health department is granted agent status under this subsection and under s. 97.41. Except as otherwise provided by the department, a local health department granted agent status shall regulate all types of establishments for which this subchapter permits the department of health and family services to delegate regulatory authority.

(b) A local health department granted agent status under this subsection shall meet standards promulgated, by rule, by the department of health and family services. The department shall annually evaluate the licensing, investigation and inspection program of each local health department granted agent status. If, at any time, a local health department granted agent status fails to meet the standards, the department of health and family services may revoke its agent status.

(c) The department shall provide education and training to agents designated under this subsection to ensure uniformity in the enforcement of this subchapter, s. 254.47 and rules promulgated under this subchapter and s. 254.47.

(d) Except as provided in par. (dm), a local health department granted agent status under this subsection shall establish and collect the permit fee for each type of establishment. The local health department may establish separate fees for preinspections of new establishments, for preinspections of existing establishments for which a person intends to be the new operator or for the issuance of duplicate permits. No fee may exceed the local health department's reasonable costs of issuing permits to, making investigations and inspections of, and providing education, training and technical assistance to the establishments, plus the state fee established under par. (e). A local health department granted agent status under this subsection or under s. 97.41 may issue a single permit and establish and collect a single fee which authorizes the operation on the same premises of more than one type of establishment for which it is granted agent status under this subsection or under s. 97.41.

(dm) A local health department granted agent status under this subsection may contract with the department of health and family services for the department of health and family services to collect

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Wisconsin
Department of Health and Family Services

STRATEGIC PLAN

DIVISION / OFFICE ACTION PLAN

For: Division of Public Health

<p>What will you do to achieve this strategy?</p> <p>Provide themes and major action steps</p>	<p>When will these steps be done?</p> <p>Key due dates</p> <p>How will you know you have succeeded?</p> <p>Outcome Measures, Products, Process Measures</p>	<p>Who will you partner with to achieve these actions?</p> <p>List Partners</p>	<p>-Lead Contact Person -Bureau -Phone</p>
<p><i>Theme: Environmental/Occupational Hazards</i></p> <p>Healthy Homes and Communities</p> <p>Steps: Reduce the exposure of children to environmental lead hazards.</p>	<ol style="list-style-type: none"> 1. Increase the screening of MA eligible children to 65% in CY 2002 and beyond. 2. Conduct a risk assessment in 70% of the homes of lead poisoned children CY 2001 and beyond. 	<p>DHCF; HMOs; physicians; BOH; Local public health departments; contractors</p>	<p>Margie Coons; BEH; 608 267-0473</p>
<p><i>Theme: Environmental/Occupational Hazards</i></p> <p>Food and Facility Safety</p> <p>Steps: Increase the effectiveness of food safety regulation within Wisconsin's restaurant industry.</p>	<ol style="list-style-type: none"> 1. New food rule, HFS 196, promulgated by 1/2001. 2. Major training initiative on new food rule complete by 7/2001. 3. 100% of agent health departments evaluated in CY 2001. 	<p>DATCP; Agent health departments; WRA; restaurant industry</p>	<p>Tom Sieger; BEH; 608 264-9880</p>
<p><i>Theme: Environmental/Occupational Hazards</i></p> <p>Infrastructure and Surveillance</p> <p>Steps: Reduce pesticide related deaths ins Wisconsin</p>	<ol style="list-style-type: none"> 1. A surveillance system will be in place for pesticide related deaths by CY 2002 2. Follow back will be conducted on all pesticide related fatalities in CY 2003. 	<p>DATCP, Local Health Depts., BEH</p>	<p>Lynda Knobleoch; BEH; 608 266-0923</p>

Division: DPH/BEH

Date completed / revised: 10/2/00

Goal 1: DHFS will promote actions that improve and protect the health and well being of the people in Wisconsin.

Strategy B: Protect the public from environmental hazards and other risks to safety and health.

What will you do to achieve this strategy? Provide <i>themes</i> and major action steps	When will these steps be done? Key due dates How will you know you have succeeded? Outcome Measures, Products, Process Measures	Who will you partner with to achieve these actions? List Partners	-Lead Contact Person -Bureau -Phone
<i>Theme: Environmental/Occupational Hazards</i> Healthy Homes and Communities Steps: Reduce the exposure of children to environmental lead hazards.	1. Increase the screening of MA eligible children to 65% in CY 2002 and beyond. 2. Conduct a risk assessment in 70% of the homes of lead poisoned children CY 2001 and beyond.	DHCF; HMOs; physicians; BOH; Local public health departments; contractors	Margie Coons; BEH; 267-0473
<i>Theme: Environmental/Occupational Hazards</i> Food and Facility Safety Steps: Increase the effectiveness of food safety regulation within Wisconsin's restaurant industry.	1. New food rule, HFS 196, promulgated by 1/2001. 2. Major training initiative on new food rule complete by 7/2001. 3. 100% of agent health departments evaluated in CY 2001.	DATCP; Agent health departments; WRA; restaurant industry	Tom Sieger; BEH; 264-9880
<i>Theme: Environmental/Occupational Hazards</i> Infrastructure and Surveillance Steps: Reduce pesticide related deaths ins Wisconsin	1. A surveillance system will be in place for pesticide related deaths by CY 2002 2. Follow back will be conducted on all pesticide related fatalities in CY 2003.	DATCP, Local Health Depts., BEH	Lynda Knobleoch; BEH; 266-0923